

REMARKS

Claims 1-15 are currently pending in the present application, with new Claims 13-15 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over Ogino (U.S. patent no. 6,433,946) in view of Kato (U.S. patent no. 5,953,529) and further in view of Sugiyama et al. (U.S. patent no. 6,744,588). This rejection is respectfully traversed.

As previously communicated, the present invention is directed to a method, apparatus, and program for managing digital data wherein the digital data is protected by copyright protection. Specifically, as recited in the claims, a user seeking to perform a specific process on a digital data (such as execution or duplication of the data for private use) is first restricted from performing the specific process and notified of a message calling his or her attention to the presence of a copyright protection associated with the digital data. The notification contains messages to which the user may respond to by accepting the content of the message.

Upon detecting that the user agreed to the content of the message, the restriction on the specific process is lifted and the notification of the message is stopped once the restriction is lifted. Thereafter, the user is permitted to access the digital data via the specific process without being annoyed by future message notifications.

As also previously discussed, the claims have been further amended to clarify that, upon a user's acceptance of the message, the lifting of the restriction is recorded onto the removable medium containing the digital data. In accordance with the claimed invention, the lifting of the restriction is specific to the recording medium on which the digital data is stored. Accordingly, if

the user should remove the storage medium and insert another one, the restriction will be reapplied (unless the user had previously accepted the copyright message of the replacement medium).

As the Examiner acknowledged at page 4 of the Detailed Action, neither Ogino nor Kato contain any disclosure or suggestion of recording a state of setting of permission onto a removable storage medium. That is, neither reference teach or suggest, for instance, recording an indication of recording permission onto the removable disk containing the digital data to be duplicated. Applicants submit that Sugiyama does not make up this deficiency.

Sugiyama is directed to a method for preventing unauthorized duplication of copyrighted content on recording mediums. Specifically, Sugiyama discloses a method by which “protective information” is recorded onto a recording medium to indicate whether copying of the content on the recording medium is permitted. However, Sugiyama does not disclose or teach recording information that is indicative of the setting of the set specific function, wherein the specific function is set for removing restrictions of on the execution of a specific process (e.g., copying or reproduction). That is, the claims as currently recited records a setting information for removing the restriction previously in place. Sugiyama, on the other hand, simply teaches recording protective information onto pre-recorded recording medium. There is no mention whatsoever of recording setting information after restrictions have been removed.

Furthermore, Figure 3A-3B and col. 4, lines 54-59 of Sugiyama, as cited by the Examiner, do not disclose removing any restrictions, as apparently suggested by the Examiner.

Applicants further traverse the Examiner’s combination of the three references. Kato is directed to a data processor, whereas Ogino is directed to a video transmission device. Sugiyama, on the other hand, is directed to a method of copyright protection. The Examiner has not provided

any motivation, either explicitly stated in any one of the references or reasoning why one skilled in the art would think of combining the references. Under M.P.E.P. 2142, the Examiner bears the burden to establishing a *prima facie* case of obviousness. Applicants respectfully submit that the Examiner has not satisfied this burden in this instance.

In view of the above, Applicants respectfully submit the pending claims are not obvious in view of Kato, Ogino, and Sugiyama, even when combined, and that all of the pending claims are in condition for allowance.

If it would further advance the prosecution of the present application, Applicants request the Examiner to contact the undersigned attorney at (213) 892-5587 to discuss any steps necessary to place the application in condition for allowance. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032027500.

Dated: October 17, 2006

Respectfully submitted,

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